

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Los Angeles Regional Water Quality Control Board**

June 13, 2013

Mr. Ron Yeager
Environmental Health and Safety
Barry Controls
4510 West Vanowen Street
Burbank, California 91505

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 1640 0000 6228 2881

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2012-0109

**SITE: BARRY CONTROLS
4140, 4200, 4320, 4400, 4406 WEST VANOWEN STREET AND 2323 VALLEY STREET,
BURBANK, CALIFORNIA (FILE NO. 104.1680)**

Dear Mr. Yeager:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of the Los Angeles and Ventura Counties, including the referenced site.

Regional Board staff has reviewed technical information and historical documents contained in Regional Board files for the properties located at 4140, 4200, 4320, 4400, and 4406 West Vanowen Street and 2323 Valley Street, in the City of Burbank, California (the Site). Regional Board files indicate that Barry Controls occupied the Site since approximately 1967. Barry Controls' operations at the Site included metal finishing and manufacturing of shock, vibration and isolation systems for the aerospace and defense sectors. Regional Board files state that chromium containing compounds, including Oakite ChromiCoat, were used and stored during Barry Controls operations at the Site. The potential impact to the subsurface soils, as a result of Barry Controls metal finishing and manufacturing operations at the Site, has not been determined.

On September 19, 2012, the Regional Board issued a California Water Code (CWC) section 13267 Order No. R4-2012-0109 (Order) (copy enclosed) to prepare and submit a Workplan for a subsurface soil investigation to be conducted at the Site. The Workplan was to be submitted to the Regional Board by October 15, 2012. The Regional Board was contacted regarding a request for extension for the required Workplan. However, no formal extension approval letter was processed.

MARIA MESERIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

The Regional Board has not yet received the required Workplan. As the responsible party, you are required to comply with the Order to prepare and submit a Subsurface Soil Investigation Workplan by **July 15, 2013**, in order to evaluate the potential for soil and groundwater contamination.

The above requirements for submittal of the Workplan constitute an amendment to the requirements of the CWC section 13267 Order originally dated September 19, 2012. All other aspects of the Order originally dated September 19, 2012, and amendments thereto, remain in full force and effect. The required technical reports are necessary to investigate the characteristics of and extent of the discharges of waste at the Site and to evaluate cleanup alternatives. Therefore, the burden, including costs, of the report bears a reasonable relationship to the need for the reports and benefits to be obtained. Pursuant to section 13268 of the California Water Code, failure to submit the required technical report by the specified due date may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1000) for each day each technical report is not received.

Should you have any questions related to this project, please contact Ms. Luz Rabelo via telephone at (213) 576-6783 or via email at luz.rabelo@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: California Water Code Section 13267 Order No. R4-2012-0109

cc: Ms. Lisa Hanusiak, USEPA Region IX
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

September 19, 2012

Mr. Ron Yeager
Environmental Health and Safety
Barry Controls
4510 West Vanowen Street
Burbank, California 91505

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED
7011 3500 0003 5491 1404

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE (CWC) SECTION 13267 ORDER NO. R4-2012-0109

SITE: 4140, 4200, 4320, 4400, 4406 W. VANOWEN STREET AND 2303 VALLEY STREET, BURBANK, CALIFORNIA [WIP FILE NO.104.1680]

Dear Mr. Yeager:

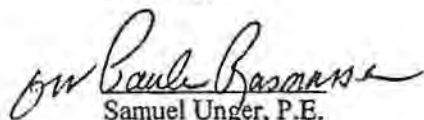
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above-referenced site.

Regional Board staff reviewed the technical information and historical documents contained in the case file for the site. Based on our review, we have determined that an additional subsurface investigation is warranted for assessment of heavy metals, particularly chromium, due to historical use of chromium compounds at the Barry Controls facility.

Enclosed is a California Water Code section 13267 Order No. R4-2012-0109 (Order), requiring you to provide a technical report for additional site assessment. You are required to comply with the Order to ensure that progress is made in completing assessment of heavy metals in the soil beneath the site.

If you have any questions regarding this letter, please contact Mr. Larry Moore at (213) 576-6730 or via email at lmoore@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: Order to Provide Technical Report for Soil Investigation

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Ron Yeager
Barry Controls

- 2 -

September 19, 2012

cc: Ms. Lisa Hanusiak, USEPA Region IX
Mr. Leighton Fong, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaggian, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

**ORDER TO PROVIDE TECHNICAL REPORT FOR
SOIL INVESTIGATION**

CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2012-0109

DIRECTED TO BARRY CONTROLS

**BARRY CONTROLS
4140, 4200, 4320, 4400, 4406 W. VANOWEN STREET
AND 2303 VALLEY STREET, BURBANK, CALIFORNIA 91505
[WIP FILE NO.104.1680]**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code section 13267.

1. Barry Controls has occupied properties located at 4140, 4200, 4320, 4400 and 4406 W. Vanowen Street and 2303 Valley Street in Burbank since approximately 1967. Barry Controls has used the properties (Site) for manufacturing shock, vibration and isolation systems for the aerospace and defense industries. Regional Board records indicate that the manufacturing operations involve metal finishing processes which include caustic cleaning, degreasing, passivation, machining, and adhesive application. Chemicals, particularly Oakite ChromiCoat, were used in past operations in the amount at approximately 200 gallons per year.

Our records also indicate that subsurface investigations were conducted in September 1990 and February 1991. However, these investigations focused on assessment of only volatile organic compounds (VOCs) and did not assess heavy metals.

2. California Water Code section 13267(b)(1) states, in part: In conducting an investigation the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
3. Regional Board has evidence in the case file for the Site indicating that there is or has been a potential for discharge of waste at or from the Site. The evidence supporting this is that the Site is located in the United States Environmental Protection Agency (USEPA) San Fernando Valley Superfund Site. It is known that groundwater within the Superfund Site, including in the vicinity of the Barry Controls Site, is contaminated with VOCs and heavy metals, particularly chromium. The Regional Board staff inspection reports and a chemical storage and use questionnaire completed indicate storage, use and disposal of Oakite ChromiCoat at the Barry Controls facility. Due to the historical use and storage of large quantities of chemicals containing heavy metals at the facility, soil and groundwater underlying the Site may have been impacted by heavy metals, specifically

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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chromium. To date, no subsurface soil or groundwater investigation for heavy metals has been conducted at this Site.

4. This Order identifies Barry Controls as the party responsible for potential unauthorized discharges of waste identified in paragraph three (3) because Barry Controls leased the property to conduct manufacturing operations and there is or has been a potential for discharge of waste at or from the Site. Regional Board records indicate that on July 31, 1996 Barry Controls surrendered the above listed property back to the original property owner.
5. This Order requires the party named herein to prepare and submit a technical report (Workplan) that proposes complete assessment of the subsurface soil for heavy metals, including hexavalent chromium, at the Site.
6. The Regional Board needs this information to determine whether an unauthorized discharge or release of chromium compounds to the soil has occurred.
7. The burdens, including costs, of this report bear a reasonable relationship to the need for the report and the benefits to be obtained from the report. The information is necessary to assure complete assessment and adequate cleanup of the Barry Controls Site, which as described above poses a potential threat to public health and the environment.
8. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plan associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.
9. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that Barry Controls, pursuant to section 13267(b) of the California Water Code, is required to submit the following:

1. By **October 15, 2012**, you are required to submit a Workplan for assessment of heavy metals, particularly hexavalent chromium, in the subsurface soil. Information on site assessment can be found in the guidance manual entitled "Interim Site Assessment & Cleanup Guidebook (May1996)," which can be found at the Regional Board website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_voc_guidance.shtml.

The Workplan shall also be developed following the applicable components of the Regional Board's "Guidelines for Report Submittals, Section VI, Site Assessment Plans," (March 1991, Revised June 1993). A copy of the guidelines can be found at the following URL:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/ust/guidelines/la_county_guidelines_93.pdf

2. The Workplan must include proposed soil sampling borings to a minimum depth of 25 feet below ground surface (bgs) in such areas as plating areas, waste units like sumps and clarifiers, hazardous waste storage area and chemical storage area.
3. The Workplan shall include detailed information on the former and existing chromium storage areas, hazardous waste management, and associated practices.
4. The Workplan must contain a health and safety plan as per the guidelines.

The Workplan shall be submitted to:

Mr. Larry Moore
Environmental Scientist
Remediation Section
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
Tel. 213-576-6730
Fax: 213-576-6600
E-mail: lmoore@waterboards.ca.gov

Pursuant to 13267(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board, under the authority given by California Water Code (CWC) section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized company representative (not by a consultant). The perjury statement shall be in the following format:

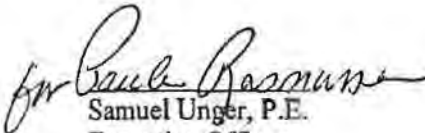
"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found at http://www.waterboards.ca.gov/ust/electronic_submittal.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the Site. However, we may request that you submit hard copies of selected documents and data to the Regional Board in addition to electronic submittal of information to GeoTracker.

SO ORDERED.


Samuel Unger, P.E.
Executive Officer